

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Devinci Biomedical Research,
Plaintiff(s)

CIVIL ACTION

v.

NO. 04-40027-FDS

Toshiba America Medical,
Defendant(s)

SCHEDULING ORDER

SAYLOR, D.J.

This order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases either by settlement or trial.

The above-entitled action having been filed/removed on 2/5/04 it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) written discovery is to be completed by 2/28/05.
- (2) all fact depositions are to be completed by 3/30/05.
- (3) all trial experts are to be designated by Plaintiff by 3/30/05 and disclosure of information contemplated by FRCP, Rule 26(a)(2) is to be provided by 4/30/05. Defendant by 5/31/05 and 5/31/05. Expert depositions completed by 6/30/05.
- (4) all dispositive motions, including motions for summary judgment, are to be filed by 8/31/05 and responses are to be filed fourteen (14) days thereafter pursuant to Local Rule 7.1;

- (5) discovery is to be completed by 3/30/05, unless shortened or enlarged by Order of this Court.
- (6) A final pretrial conference will be held on November 17, 2005 at 3:00p.m., and must be attended by trial counsel. Counsel shall be prepared to commence trial as of the date of the final pretrial conference.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

9/9/04

Date

/s/ Martin Castles
Deputy Clerk
508-929-9904